



MINUTES
COLORADO STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, JULY 30, 2008

MEMBERS PRESENT: SANDRA SUMMERS, RN, PRESIDENT; CANDACE BERARDINELLI, PhD, RN, VICE PRESIDENT; DEBORAH ARCHULETA, RN; LISA DAVIS, RN; CAROLYN JEFFERSON-JENKINS, PhD; CURTIS POWELLS, RN; BETTY WOLFE, LPN

MEMBERS ABSENT: JUDITH BURKE, RN, NP; PEGGY BUNKE, RN, NP; TONI GIBBONS, LPN

PRESIDING: SANDRA SUMMERS, RN; PRESIDENT

COUNSEL: Y. E. SCOTT, SENIOR ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

1. CONVENE AND ROLL CALL (9:01 A.M.)

Sandra Summers, RN, President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience.

2. APPROVAL OF MINUTES (9:03 A.M.)

After discussion, a Motion was made, seconded and carried to approve the minutes of the April 23, 2008 Full Board meeting as amended.

After discussion, a Motion was made, seconded and carried to approve the minutes of the June 25, 2008 Special Meeting minutes as amended.

3. PROGRAM DIRECTOR'S REPORT (9:08 A.M.)

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill welcomed the two new members of the Board, Deborah Archuleta, RN, who replaced Sharon Pappas, RN, PhD, as the representative for nursing administration, and Curtis Powells, RN, who replaced Vickie Broerman, RN, as the staff nursing representative. Director Merrill also announced the reappointment of Candace Berardinelli, PhD, RN, Vice President, and Toni Gibbons, LPN to the Board for another term. Director Merrill also announced the resignation of Dennis Kaw, JD due to time constraints with his new employment situation.

Director Merrill informed the Board of his attendance at the Executive Officer Seminar in Santa Fe, NM on June 23rd – 24th 2008, where Annett Simmons, author of the book *Whoever Tells the Best Story Wins*, discussed her ideas regarding seeking public buy-in regarding regulators using story format to convey ideas and information.

Director Merrill made the announcement that he and Carolyn Jefferson-Jenkins would be attending the National Council of State Boards of Nursing Annual meeting and Delegate Assembly on August 4th – August 8th in Nashville, TN. Director Merrill further informed the Board that a report regarding the events and decisions of the Delegate Assembly would be presented at the October Full Board meeting.

Director Merrill explained to the Board the reasoning behind the rescheduling of the noticed Rulemaking Hearings for the Chapter XIV – Rules and Regulations for Professional Nurses Qualified to Engage in Advanced Practice Nursing, and Chapter XV – Rules and Regulations for Advanced Practice Nurses for Prescriptive Authority, due to insufficient input from the nursing community as well as the absence of Judy Burke and Peggy Bunke, the two Advanced Practice Nurse members of the Board, at the originally noticed Rulemaking Hearing.

Director Merrill informed the Board of the application on the agenda for the appointment of the CNA representative, Anthony Owens, CNA, to the Nurse Aide Advisory Committee. He described the successful process utilized to recruit potential applicants for this position by contacting Directors of Nursing and Assistant Directors of Nursing of long term care facilities asking for their recommendations and support of potential candidates for this position.

Director Merrill informed the Board that Karen Clayton-Voght, the Colorado Department of Public Health and Environment representative, resigned from the Nurse Aide Advisory Committee due to health reasons and that Director Merrill was currently seeking her replacement. Director Merrill asked the Board for their permission to present applications for potential replacement candidates at the forthcoming Panel meetings. The Board approved this process.

Director Merrill informed the Board of the passing of House Bill 08-1383 which created inactive licensure status for RNs and PNs in Colorado which would allow the administrative closing of certain categories of cases as licensees may have the option of placing their license in inactive status in lieu of discipline from the Board. Director Merrill reported that Y. E. Scott, Senior Assistant Attorney General and counsel for the Board would present further information to the Board at the October Full Board meeting.

Director Merrill introduced Janeel Williams, Licensing Specialist as a new member of Board staff. Director Merrill also announced the promotion of the Board's counsel, Y. E. Scott, to Senior Assistant Attorney General.

4. CONTINUATION OF WORK SESSION REGARDING CHAPTER I – RULES AND REGULATIONS FOR THE LICENSURE OF PRACTICAL AND PROFESSIONAL NURSES (9:18 A.M.)

The Board of Nursing previously held a Rulemaking Hearing regarding proposed changes to the Chapter I – Rules and Regulations for the Licensure of Practical and Professional Nurses on April 23, 2008. At that time the Board tabled its decision regarding the adoption of the proposed changes until further information could be presented. At the July 30, 2008 Full Board meeting the Board entered into a work session to review previously proposed changes and additional proposed changes to the Chapter I rules.

Director Merrill gave oral staff testimony highlighting the newly proposed changes the Chapter I rules including section 3.9 creating limitations on the number of times applicants for licensure will be eligible to take the NCLEX examination in Colorado.

At 9:25 A.M., a Motion was made, seconded and carried to adopt the Chapter I – Rules and Regulations for the Licensure of Practical and Professional Nurses as amended with permission for Board staff to make typographical, grammatical, and formatting corrections as needed.

5. POLICY CHANGES (9:25 A.M.)

1. Revised Policy 10-05 *English Competency Requirements for Licensure*. After discussion, a Motion was made, seconded and carried to adopt policy 10-05 as amended.
2. Proposed Policy 10-07 (formerly 60-01) *Clarification of the four (4) month statutory certification exemption and the term “denied” as used in section 12-38.1-117(1)(d), C.R.S. pertaining to Certified Nurse Aides*. After discussion, a Motion was made, seconded and carried to adopt policy 10-07 as amended.
3. Proposed Policy 20-22 *Delegation of Authority to Program Director or designee to process and resolve violations involving practice on expired licenses or expired certificates for nurses, nurse aides, and psychiatric technicians*. After discussion, a Motion was made, seconded and carried to adopt policy 20-22 as written.
4. Revised Policy 40-02 *Delegated Authority*. After discussion, a Motion was made, seconded and carried to adopt policy 40-02 as amended.
5. Revised Policy 10-03 *Continuing Competency Requirements for Practical and Professional Nurses*. After discussion, a Motion was made, seconded and carried to adopt policy 10-03 as amended.

6. RULEMAKING HEARING: CHAPTER VII – INITIAL DECISIONS AND RELATED MATTERS (9:44 A.M.)

At 9:44 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed Chapter VII rules.

No written testimony by the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral testimony was given by the public during the Rulemaking Hearing.

Director Merrill read additional proposed staff changes. These proposed changes, in writing were made part of the Rulemaking record and were available to the audience for review.

At 9:47 A.M. public testimony was concluded and the public hearing was closed. The Board entered into a work session in order to discuss proposed adoption of the Chapter VII rules.

At 9:48 A.M., a Motion was made, seconded and carried to adopt the Chapter VII rules as amended with permission for staff to make typographical, grammatical, and formatting changes as needed.

7. RULEMAKING HEARING: CHAPTER XVI – DUTY TO REPORT FELONIES (9:49 A.M.)

At 9:49 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed Chapter XVI rules.

No written testimony by the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral testimony was given by the public during the Rulemaking Hearing.

No staff testimony was given during the Rulemaking Hearing.

At 9:52 A.M. public testimony was concluded and the public hearing was closed. The Board entered into a work session in order to discuss proposed adoption of the Chapter XVI rules.

At 9:53 A.M., a Motion was made, seconded and carried to adopt the Chapter XVI rules as amended with permission for staff to make typographical, grammatical, and formatting changes as needed.

8. QUARTERLY REPORTS (9:54 A.M.)

1. NAAC Quarterly Report: April 1st – June 30th 2008 Applications. The Board noted this report.
2. NAAC Quarterly Report: April 1st – June 30th 2008 Enforcement. The Board noted this report.
3. Nursing Quarterly Report: April 1st – June 30th 2008 Enforcement. The Board noted this report.
4. Case Statistics Summary, Office of the Attorney General – March 28th – June 30th 2008, prepared by Y. E. Scott, Sr. AAG. The Board noted this report.

9. REQUEST FOR CLARIFICATION ON CHAPTER IX – RULES AND REGULATIONS FOR THE LICENSED PRACTICAL NURSE IN RELATION TO IV AUTHORITY – CAROLYNN CASSUTT CONSULTING, INC.

The Board reviewed a letter from Carolynn Cassutt, RN, CRNI, CLNC of Carolynn Cassutt Consulting, Inc. requesting clarification of the Chapter IX Rules, specifically:

1. *Is it within the scope of practice for an LPN with the IV authority to draw blood directly from the venous system?*

After discussion, the Board unanimously responded YES. It was noted that section 3.1 G indicates that the definition of IV authority includes ‘venous blood sampling’.

2. *Is it within the scope of practice for an LPN with the IV authority to administer pre-mixed antibiotic solutions via venous access devices, delivered per labeled instructions, via gravity or pump by IV Piggyback?*

After discussion, the Board unanimously responded YES.

3. *Is it within the scope of practice for an LPN with the IV authority to administer pre-mixed antibiotic solutions via venous access devices, delivered per labeled instructions, via IV push?*

After discussion, the Board unanimously responded NO. The scope of practice of the LPN with IV authority does not include administering any medications by way of IV push.

4. *Is it within the scope of practice for an LPN with the IV authority to administer pre-mixed antibiotic solutions, IV fluids, flush with normal saline and or heparin, and change dressings to central venous catheters originating in either the femoral and/ or saphenous vein and terminating in the inferior vena cava?*

After discussion, the Board unanimously responded YES, as long as the LPN remains within his or her scope of practice with patients who have predictable and stable outcomes.

After discussion, a Motion was made, seconded and carried to direct staff to draft a letter to Ms. Cassutt with the responses to these questions and the Board further directed Board staff to post the questions and answers to the Board of Nursing web site in the Frequently Asked Questions section.

10. APPLICATION FOR THE NURSE AIDE ADVISORY COMMITTEE (10:10 A.M.)

The Board reviewed an application to replace Elaine Woods, CNA as the Certified Nurse Aide representative on the NAAC whose term expired June 30, 2008 from Anthony Owens, CNA. After discussion, a Motion was made, seconded and carried to appoint Mr. Owens as the CNA representative for the NAAC.

11. RECESS (10:11 A.M.)

The Board took a brief recess and reconvened the meeting at 10:30 A.M.

12. NATIONAL COUNCIL OF STATE BOARDS OF NURSING (NCSBN) PRESENTATION (10:30 A.M.)

Kathy Apple, MS, RN, CAE, Chief Executive Officer and Kristin A. Hellquist, MS, Director of Policy and Governmental Relations gave a presentation to the Board and the audience on a brief history of the National Council of State Boards of Nursing, the mission of NCSBN, ways on how the Board can utilize the services provided by the NCSBN, and current national policy initiatives relating to nursing regulation.

13. NURSE PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE PROGRAM – PEER ASSISTANCE SERVICES, INC. (PAS) (11:07 A.M.)

Elizabeth M. Pace, MSM, RN, CEAP, Chief Executive Officer – Peer Assistance Services, Inc. (PAS), the Board's selected vendor for the Nurse Peer Health Assistance/Nurse Alternative to Discipline Program, gave a presentation to the Board and the audience on the transition of services from Colorado Nurse Health Program (CNHP) to PAS. Ms. Pace also introduced members of the PAS staff to the Board.

12. OPEN FORUM (11:45 A.M.)

Testimony was given to the Board by the following:

1. Aida Sahud, from Adams State College testified before the Board regarding Adams State College's application for Phase I recognition and deficiencies addressed by Roberta Hills, Nursing Education Specialist.

13. LUNCH (12:00 P.M.)

The Board recessed for lunch and reconvened at 12:07 P.M.

14. HOSTILITY IN THE WORKPLACE (1:07 P.M)

Candace Berardinelli, PhD, RN, Vice President provided the Board with two handouts, one from The Joint Commission, issue 40 dated July 9, 2008, titled “Behaviors that Undermine a Culture of Safety,” and one from Critical Care Nurse Vol. 28., No. 2, dated April 2008, titled “Lateral Hostility Between Critical Care Nurses – A Survey Report.” After discussion, the Board noted the two handouts.

Program Director Merrill left the meeting at 1:15 P.M. Susan Miller, Director, Healthcare Section represented the staff in his place.

15. NURSING EDUCATION REPORTS (1:09 P.M.)

Phase I Applications

CollegeAmerica – ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Phase I Recognition pending correction of deficient items.

Adams State College – BSN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Phase I Recognition pending correction of deficiencies addressed in Ms. Hills’ memorandum.

Phase III Applications

Colorado Christian University – Phase III semi-annual report. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Phase III approval pending receipt of notification that the two faculty members addressed in Ms. Hills’ memorandum obtained their Colorado professional nursing licenses, and pending the receipt of the revised curriculum prior to implementation.

Northeastern Junior College – Phase III semi-annual report. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to table consideration of the matter until additional information can be presented.

Colorado Technical University – Pueblo ADN program – Phase III interim report. The Board reviewed a revised memorandum from Roberta Hills, Nursing Education Specialist. Ms. Hills noted the Phase III site visit report was not complete at the time of the meeting. After discussion, a Motion was made, seconded and carried to accept the Phase III interim report, and the Board noted the new Director of Nursing Education Program (DNEP) and revised course sequences.

Phase IV – Request for Full Approval

Metropolitan State College of Denver, Accelerated Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Metropolitan State College of Denver Full Approval.

Mesa State College PN program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to deny Phase IV Approval. The Board directed that Mesa State College has until October 2008 to meet

deficiencies identified in the Phase III Approval processes. The deficiencies must be received by Ms. Hills no later than September 14, 2008 to meet the October Full Board meeting deadline.

Site Visit Reports – Continuing Approval

Pikes Peak Community College. The Board reviewed the site visit report and response letter from Roberta Hills, Nursing Education Specialist dated March 10, 2008. After discussion, a Motion was made, seconded and carried to accept the site visit report with corrections and instructed that deficiencies should be addressed in a time period not to exceed one year from the date of the meeting.

Pickens Technical College – PN program. The Board reviewed the site visit report and response letter from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the site visit report and plan of action to correct deficiencies which should be addressed in a time period not to exceed one year from the date of the meeting.

Expanding Enrollment Beyond 25%

Pueblo Community College – Durango Campus LPN – ADN program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist and supporting documentation requesting permission to expand the Durango Campus nursing education program to include 1st year LPN program. After discussion, a Motion was made, seconded and carried to allow Pueblo Community College Durango to expand their program allowing them admission of a maximum of 24 students into the fall 2008 class.

Curtis Powells, RN left the meeting at 2:14 P.M.

Waiver Requests

Pueblo Community College ADN – Canon City campus – faculty waiver request of the education requirements for Diane Madsen. The Board reviewed a waiver request and a memorandum from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried that a waiver was not required as Ms. Madsen's education qualifications already met the requirements as set forth in the Chapter II rules for faculty requirements.

Colorado Mountain College – faculty waivers of educational background requirements for the following: Ms. Carol Turrin, Ms. Melanna Marcellott, Ms. Karen Hansen, and Ms. Christina Ortiz. The Board reviewed the waiver requests and memorandum from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to withdraw Full Approval and grant Conditional Approval to Colorado Mountain College. The Board directed Roberta Hills, Nursing Education to address deficiencies in faculty qualifications by letter requiring a time specified response including a plan of correction addressing list of questions and guidelines established by the Board during the meeting. The Board also directed Ms. Hills to request the administrator of Colorado Mountain College's governing body along with the DNEP to appear at the October Full Board meeting to address deficiencies identified.

Colorado Technical University - ADN Program. Faculty waiver request of educational requirements for Katherine Wilson. The Board reviewed a memorandum and waiver request from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to deny the waiver request finding Ms. Wilson's education background does not meet the minimum requirements established by the Chapter II rules.

Academy of Medical Health Science , Inc. – PN program. Faculty waiver request of teaching experience for Ms. Tammy Giltner. The Board reviewed a waiver request and memorandum from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to table the decision on the matter until further information can be presented.

Nursing Education Program Accreditation Status

The Board reviewed a memorandum outlining NLNAC 2008 Accreditation manual Policy #3 on accreditation and CCNE 2001 Procedures for Accreditation. After discussion the Board noted this information.

Change in Director of Nursing Education Programs (DNEP)

The Board noted the following changes in DNEP:

1. A new DNEP at Colorado Mountain College, Margaret Banning, MSN has been appointed.
2. Interim DNEP at AIMS Community College – Dr. Maria de Montigny Korb, MSN, PhD has been appointed.
3. Resignation of Gloria Ohmart at Concorde Career College.

16. NURSE AIDE TRAINING PROGRAMS REPORTS (3:06 P.M.)

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Compliance Investigator, were ratified by the Board:

I. Active Interim:

- 6/23/2008 – AIMS Community College – Ft. Lupton

III. Continued Full Approval:

- 4/18/2008 – Pikes Peak Community College – Adult
- 6/02/2008 – Florence High School Med Prep
- 6/10/2008 – Morgan Community College Med Prep
- 6/10/2008 – Westminster High School (relocated from Hidden Lake High School)
- 6/10/2008 – College America Denver Campus
- 6/17/2008 – Fred N. Thomas Career Education Center
- 6/17/2008 – Life Care Center of Littleton/Aurora
- 6/17/2008 – Emily Griffith Opportunity School LTC Nurse Aide
- 6/23/2008 – Emily Griffith Opportunity School Home Health Aide
- 6/23/2008 – Emily Griffith Opportunity School Extended Home Health Aide
- 6/24/2008 – Northeastern Junior College Med Prep
- 6/24/2008 – Ann Rose School of Nursing Arts

IV. Reactivated Continuing Approval

- 6/23/2008 – Vilas at Sunny Acres

V. Inactivated Programs

- 6/10/2008 – San Juan Basin Technical College Durango Campus
- 6/10/2008 – San Juan Basin Technical College Cortez Campus

VI. Closed Programs

- 4/20/2008 – Oxford College

VII. CDPHE Loss

- 6/20/2008 – Heritage Park Care Center

17. SUMMARY OF 2007 NURSE AIDE TRAINING ANNUAL REPORTS (3:07 P.M.)

The Board reviewed a memorandum from Shannon St. Hilaire, Nurse Aide Programs Compliance Investigator. The Board noted the report.

There being no further business, the State Board of Nursing adjourned the meeting at 3:08 P.M.

Sandra Summers, RN, President
State Board of Nursing